

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

<p>ARLEEN KOSAK, individually and on behalf of all others similarly situated,</p> <p>Plaintiff,</p> <p>v.</p> <p>NEW YORK MEDIA HOLDINGS, LLC.</p> <p>Defendant.</p>	<p>Case No. 2:22-cv-11850-MFL-EAS</p> <p>Hon. Matthew F. Leitman</p>
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**PLAINTIFF ARLEEN KOSAK'S
NOTICE OF SUPPLEMENTAL AUTHORITY**

Plaintiff, individually and on behalf of all others similarly situated, submits this Notice of Supplemental Authority to apprise the Court of a recent decision relevant to Plaintiff's Motion for Leave to File a Second Amended Complaint and the related briefing (ECF Nos. 17–20). In Defendant's responsive briefing, it argues that any proposed amendment by Plaintiff here is futile. *See* Defendant's Response to Plaintiff's Motion for Leave to Amend (ECF No. 18) and Defendant's Motion for Leave to File Sur-Reply (ECF No. 20); *see also* Defendant's Motion for Leave to File Supplemental Authority (ECF No. 21) (citing *Bozung v. Christianbook, LLC*, No. 1:22-cv-304 (W.D. Mich. Mar. 6, 2023)). The recently issued decision below, and attached hereto as an exhibit, is relevant to this issue.

1. On March 8, 2023, Defendant filed a motion for leave to file supplemental authority, informing this Court of a decision on a motion to dismiss in the Western District of Michigan in *Bozung v. Christianbook, LLC*, No. 1:22-cv-304, (W.D. Mich. Mar. 6, 2023). The *Bozung* court granted the defendant's motion to dismiss, without prejudice, in a case brought on behalf of a plaintiff making a claim for violation of the Michigan PPPA.

2. Thereafter, the plaintiff in *Bozung* filed a motion for relief from judgment pursuant to Fed. R. Civ. P. 59(e) & Fed. R. Civ. P. 60(b) and for leave to file second amended complaint pursuant to Fed. R. Civ. P. 15(a). On July 14, 2023, the Honorable Hala Y. Jarbou issued an opinion and order reinstating the case. The

Bozung court vacated its judgment of dismissal and granted the plaintiff's motion to alter or amend the judgment and for leave to amend the complaint. A copy of the July 14 *Bozung* opinion is attached hereto as **Exhibit A**.

Dated: July 28, 2023

Respectfully submitted,

ARLEEN KOSAK,

/s/ E. Powell Miller

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CERTIFICATE OF SERVICE

I hereby certify that on July 28, 2023, I electronically filed the foregoing documents using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

/s/ E. Powell Miller

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